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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-107**

11 **LINDA NORLINE CUMBERLAND**
12 **P.O. Box 803**
Alta Loma, CA 91701
13 **Registered Nurse License No. 568737**

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about July 18, 2000, the Board issued Registered Nurse License Number
22 568737 to Linda Norline Cumberland (Respondent). The Registered Nurse License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on January 31,
24 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

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8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

COST RECOVERY PROVISION

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUG DEFINITIONS

10. **Morphine Sulphate (Morphine)** – a Schedule II controlled substance pursuant to Health and Safety Code section 11055, and a dangerous drug pursuant to Business and Professions Code section 4022. It is a narcotic analgesic used for the relief of severe pain.

11. **Hydrocodone/Acetaminophen (Norco)** – a Schedule III controlled substance pursuant to Health and Safety Code section 11056, and a dangerous drug pursuant to Business and Professions Code section 4022. It is a narcotic indicated for the relief of moderate to moderately severe pain.

12. **Hydromorphone (Dilaudid)** – a Schedule II controlled substance pursuant to Health and Safety Code section 11055, and a dangerous drug pursuant to Business and Professions Code section 4022. It is a narcotic analgesic used for the relief of severe pain.

13. **Lorazepam (Ativan)** - a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, and a dangerous drug pursuant to Business and Professions Code section 4022. It is a Benzodiazepine used for the relief of anxiety, panic attacks, and chronic sleeplessness.

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ARROWHEAD REGIONAL MEDICAL CENTER

14. Respondent was employed as a registered nurse in the Emergency Department of Arrowhead Regional Medical Center ("ARMC") from about July 15, 2000 to about February 17, 2009.

15. At all times relevant to the charges herein, ARMC used a drug dispensing system called the "Pyxis System". The Pyxis is a computerized automated medication dispensing machine. The user enters a password to gain access and dispense medication from the machine. The machine records the user name, patient name, medication, dose, date and time of the withdrawal. The Pyxis is integrated with hospital pharmacy inventory management systems.

16. On or about February 11, 2009, after Respondent abruptly left ARMC for personal reasons, a random audit of her medical usage was conducted for a three-month period prior to February 4, 2009, and discrepancies, including, but not limited to the following were found¹:

PATIENT 1 (S.T.)

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
11-03-08 (1444 hours)	#1 Dilaudid 2 mg/ml	No order, no record of administration, no wastage of 2 mg

PATIENT 2 (D.D.)

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
01-05-09 (1054 hours)	#1 Dilaudid 2 mg/ml	1 mg ordered, 1 mg charted, no wastage of 1 mg
01-05-09 (1233 hours)	#1 Dilaudid 2 mg/ml	1 mg ordered, 1 mg charted, no wastage of 1 mg
01-05-09 (1337 hours)	#1 Dilaudid 2 mg/ml	1 mg ordered, 1 mg charted, no wastage of 1 mg
01-05-09 (1521 hours)	#1 Dilaudid 2 mg/ml	No additional order, no record of administration, no wastage of 2 mg

¹ Due to the numerosity of discrepancies involved, a representative sampling is used in this proceeding.

PATIENT 3 (N.M.)

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
01-19-09 (1901 hours)	#2 Dilaudid 5 mg/ml	4 mg (no titrate) ordered, 2.5 mg charted, no wastage of 2.5 mg

PATIENT 4 (T.M.)

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
01-23-09 (1443 hours) Patient discharged around this time	#1 Dilaudid 2 mg/ml	No order, no record of administration, no wastage of 2 mg

PATIENT 5 (D.H.)

Date & Time	Drug and Quantity Withdrawn from Pyxis	Charting
01-23-09 (1458 hours)	#1 Ativan 2 mg/ml	1 mg ordered, 1 mg charted, no wastage of 1 mg
01-23-09 (1745 hours)	#1 Dilaudid 2 mg/ml	No additional order, med wasted
01-23-09 (1756 hours)	#1 Norco 5/325 mg tab	No order, med charted as given

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence)

17. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(1), in conjunction with California Code of Regulations, title 16, section 1442, on the grounds of unprofessional conduct, in that between November 2008 to February 2009, while employed as a registered nurse at ARMC, Respondent committed gross negligence by withdrawing controlled substances and dangerous drugs from the Pyxis machine, and failing to properly obtain physician's orders, document, waste and/or administer the drugs to the patients. Complainant refers to and incorporates all the allegations contained in paragraphs 14 -16, as though set forth fully.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Illegally Obtained or Possessed Controlled Substances)**

3 18. Respondent is subject to disciplinary action under Code section 2762, subdivision (a),
4 for unprofessional conduct, in that between November 2008 to February 2009, while employed as
5 a registered nurse at ARMC, Respondent unlawfully obtained or possessed controlled substances
6 and dangerous drugs, and furnished or administered controlled substances and dangerous drugs to
7 another without a physician's order. Complainant refers to and incorporates all the allegations
8 contained in paragraphs 14 - 16, as though set forth fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct: Falsify, Make Grossly Incorrect, or Inconsistent Entries)**

11 19. Respondent is subject to disciplinary action under Code section 2762, subdivision (e),
12 for unprofessional conduct, in that between November 2008 to February 2009, while employed as
13 a registered nurse at ARMC, Respondent falsified, or made grossly incorrect or grossly
14 inconsistent entries in the hospital records pertaining to controlled substances and dangerous
15 drugs. Complainant refers to and incorporates all the allegations contained in paragraphs 14 -16,
16 as though set forth fully.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 568737, issued to Linda
21 Norline Cumberland;

22 2. Ordering Linda Norline Cumberland to pay the Board of Registered Nursing the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 125.3;

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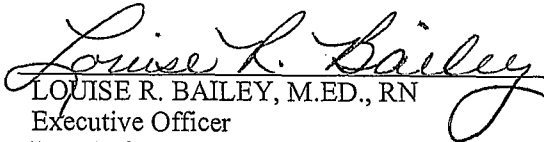
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3. Taking such other and further action as deemed necessary and proper.

DATED: August 15, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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